

Changes in Use of Forms B6I (Schedule I: Your Income) and B6J: Your Expenses

Changes Effective Immediately

On December 1, 2013 several new national bankruptcy forms went into effect. Included in those forms are Schedules I and J, which will require changes to the way they are used and filed with the court.

Background:

Historically, Schedule I and J forms were used when filing or amending schedules; however, the Bankruptcy Rules Advisory Committee determined that they may also be used as a supplement to the initial filing. In reaching this determination, the Committee noted that “some courts are using Schedules I and J in analyzing proposed chapter 13 plans and potential modification of those plans or when a debtor’s financial circumstances change.”

To facilitate use in determining plan feasibility, new Schedules I and J include check boxes for the debtor to indicate that the schedule "supplements" the initial filing of the form. In addition, Schedule J now also includes a third check box to indicate if it is being filed because there is joint debtor who maintains a separate household.

Use of Forms - Schedules I and J:

The option to submit supplements to these schedules is a method for capturing additional information regarding a debtor’s post-petition income and expenses as of a specific date (e.g., prior to chapter 13 confirmation hearing or modification). These supplemental filings are distinguishable from Schedules I and J, which are **required** to be filed as part of the original schedules and statements under F.R.B.P. 1007(b)(1). This supplemental information is intended to inform and not amend previously reported information. (The filer would use the “amendment” check box if the purpose is to correct information from the original filing).

Additional Use of Forms - Schedule J only:

New lines 1, 2, and 3 on revised Schedule J request information about the debtor’s household. Line 1 requires joint debtors who maintain separate households to file separate Schedule J forms. A check box has been added to the caption to identify such filings. Line 2 requires information about each dependent.

If the joint debtor maintains a separate household, s/he will be required to file a separate Form B6J (Schedule J: Your Expenses) and check the appropriate box on the modified Schedule J form. When the box is checked, attorney filers should follow the form instructions and ensure that total expenses on Form B6 - Summary of Schedules and Form B6J include the amounts for

both debtors. Both Debtors Schedule J forms should be included with the petition when schedules are filed.

How to File in ECF:

The Court has created a New Event to facilitate filing schedules I and J as supplements. This new event is called "Supplement to Schedules I and J" and can be found in ECF under Bankruptcy/Other. Filers should continue to file the initial schedules using the event "Schedule[s] (Not Amended), and any amended schedules as "Amended Schedule[s]."

If the supplement box is checked on the new schedules I and J, the event that should be used is "Supplement to Schedule[s] I and J."

If the amended box is checked on the new schedules I and J, the event that should be used is "Amended Schedule[s]."